

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN.

UNITED STATES OF AMERICA,

Plaintiff,

v.

02
No. ~~03~~-20356 B

WILLIAM HOLLAND,

Defendant.

ORDER OVERRULING DEFENDANT'S OBJECTIONS TO ORDER OF THE
MAGISTRATE JUDGE ON AEGIS SCIENCE CORPORATION'S
MOTION TO QUASH SUBPOENA, AND AFFIRMING THE ORDER OF THE
MAGISTRATE JUDGE


On September 14, 2004, Magistrate Judge Diane Vescovo granted the motion of the Defendant, William Holland, to issue a subpoena duces tecum to a non-party, Dr. David Black of Aegis Sciences Corporation ("Aegis"). Upon receipt thereof, Aegis filed a motion to quash the subpoena, which was granted on December 15, 2004. Holland appealed. After reconsidering the issue and directing the parties to submit additional briefs, the magistrate judge denied the appeal and reaffirmed her order granting Aegis' motion to quash. Holland has appealed the decision on reconsideration to this Court.

"[A] judge may designate a magistrate judge to hear and determine any pretrial matter pending before the court. . . . A judge of the court may reconsider any pretrial matter . . . where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." 28 U.S.C. § 626(b)(1)(A). The basis for the magistrate judge's original conclusion was her determination that Aegis had already provided the Defendant with information sufficient to satisfy the subpoena in a

"litigation support package." In support of his request for reconsideration, Holland offered the affidavit of Paul Goldstein, Ph.D. who opined in conclusory fashion that the package was in fact not sufficient. In light of Holland's failure to provide any basis for his claim, the initial decision was permitted to stand.

In his objection to Magistrate Judge Vescovo's order, the Defendant voices disagreement with the ruling, relying solely on Dr. Goldstein's statements "to establish his need for the requested information." (App. of the Magistrate Judge's Order Reconsidering Aegis Science Corp.'s Mot. to Quash Subpoena at 1.) Considering his bald unsupported assertion that the magistrate judge's order was erroneous and his failure to even allege that her conclusion was contrary to law, the Defendant's objection is OVERRULED and the magistrate judge's order is AFFIRMED.

IT IS SO ORDERED this 11 day of November, 2005.


J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

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Honorable J. Breen
US DISTRICT COURT